

REMARKS

SUMMARY:

The present application sets forth claims 11-13, 15, 17, 19-25, 56-57 and 59-66, of which claims 11 and 60 are independent claims. Claims 11-13, 15, 17, 19-25, 56-57 and 59-66 stand rejected under various grounds, including 35 U.S.C. §§ 101, 112 and 103. Applicants respectfully request entry of the presently submitted amendments to the claims and withdrawal of the rejection under 35 U.S.C. § 101 so that the remaining issues on appeal are narrowed to focus on the rejections under 35 U.S.C. §§ 112 and 103.

35 U.S.C. § 101 REJECTION (CLAIMS 11-13, 15, 17, 19-25, 56-57 AND 59-66):

Claims 11-13, 15, 17, 19-25, 56-57 and 59-66 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Applicant respectfully traverses such rejection in light of the presently requested amendments and remarks set forth below.

The presently submitted claims, including the requested amendments, set forth statutory subject matter because the claims are directed to a statutory manufacture or machine. The presently requested amendments more particularly describe the subject computer-implemented, web-based application in conjunction with its corresponding physical structure, i.e., the computer-readable medium comprising instructions for executing the web-based application. When computer programs are claimed as part of a computer-readable medium, a physical structure is present to realize the computer program's functionality, and the claims should be treated as a product claim. See, e.g., MPEP § 2106.01. More particularly, when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated

to the medium and will be statutory. *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Additional language in the present claims further support a finding that such claims have sufficient structural ties to be considered statutory subject matter under 35 U.S.C. § 101. For example, the previous language in independent claims 11 and 60 describe a variety of modular services as “web-based” and implemented in an “automated on-line” environment, thus requiring the use of computer-implemented technology. By describing the financial aid system in terms of a “web-based application”, it should be clear that access to the web (which requires communication access via computer, phone or some other processing device with at least some communications and processing functionality) will be required. Further, the system and application are described as “automated,” which is typically understood to mean that the system is implemented by mechanical or electronic devices as opposed to human labor, etc. As such, web-based automation according to claims 11 and 60 would reasonably require the use of electronic computing devices or the like. The system is still further described as an “on-line” system, again indicating that the system will be connected to, served by, or available through a computer or telecommunications system (such as the Internet). The computer-readable medium of claims 11 and 60 provide instructions for implementing integrated and on-line financial aid features recited in terms of “services,” which are similar to “modules” or other computer-based components. These services are embodied in a unique system of software and processing (see paragraph [0045] of the published application), which involve sophisticated algorithms, rules engines and software available in a processing center (e.g., SFAPC 12) – see paragraph [0046] of the published application. These structural ties clearly contemplate the use of a computer, further enhancing a finding of patentability under 35 U.S.C. § 101 as a statutory product.

It is clear that the web-based applications set forth in claims 11 and 60 do NOT correspond to purely mental processes, since under their broadest reasonable interpretation they are product claims including tangible structures and ties to tangible features. A tangible structure is provided in the present claims by reciting a computer readable medium. Additional ties to tangible features in the claims are provided by requiring “web-based,” “automated” and “online” software services. The claims depend on computer processing for implementation of the claimed functionality, thus precluding interpretation of such claims as depending for their operation on human intelligence alone.

For at least the reasons set forth above, independent claims 11 and 60 as well as their respective dependent claims are directed to patentable subject matter under 35 U.S.C. § 101. As such, Applicant respectfully requests withdrawal of the pending rejection under 35 U.S.C. § 101.

35 U.S.C. § 112, SECOND PARAGRAPH REJECTION (CLAIMS 11-13, 15, 17, 19-25, 56-57 AND 59-66):

Claims 11-13, 15, 17, 19-25, 56-57 and 59-66 stand rejected under 35 U.S.C. § 112, second paragraph, a being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses such rejection for the same or similar reasons presented in the most recent response by Applicant dated February 10, 2010. Applicants reserve the right to address the rejections under 35 U.S.C. § 112, second paragraph, in additional prosecution via appeal or otherwise.

35 U.S.C. §103(a) REJECTION (CLAIMS 11-13, 15, 17, 19-25, 56-57 AND 59-66):

Claims 11-13, 15, 17, 19-25, 56-57 and 59-66 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over “Financial Aid Prospecting – ONLINE: The

Internet is Loaded with Valuable Financial Aid Information, but Few Campus Web Sites Are Designed to Help Them Find It," Terrell, Kenneth, Black Issues in Higher Education, Reston: Oct. 28, 1999, Vol. 16, Iss. 18, pg. 38 (hereinafter "Terrell") in view of U.S. Patent No. 7,062,462 (Ireland et al.) and further in view of U.S. Patent No. 5,870,721 (Norris) and further in view of Applicant's Admitted Prior Art (AAPA). Applicant respectfully traverses such rejection for the same or similar reasons presented in the most recent response by Applicant dated February 10, 2010. Applicants reserve the right to address the rejections under 35 U.S.C. § 103(a), in additional prosecution via appeal or otherwise.

CONCLUSION:

Applicant respectfully submits that the present application, including claims 11-13, 15, 17, 19-25, 56-57 and 59-66 with amendments as presently requested, complies with all requirements of 35 U.S.C. § 101. As such, entry of the present amendments and withdrawal of the rejection under 35 U.S.C. § 101 is earnestly solicited. Applicant invites the Examiner to telephone the undersigned at his convenience should should there be any questions or concerns about the requested course of action.

Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

A handwritten signature in cursive script, reading "Richard M. Moose", written in black ink.

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Date

RICHARD M. MOOSE
Registration No. 31,226

P. O. Box 1449
Greenville, South Carolina 29602-1449

Telephone: (864) 271-1592
Facsimile: (864) 233-7342